

FILED

**UNITED STATES DISTRICT
COURT
FOR THE NORTHERN DISTRICT OF
INDIANA**

15 MAY 15 PM 1:30

REEDER, FRANCINE
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

LARRY G. PHILPOT, pro se)
Plaintiff,) Case No. 3:15-cv-145-JD-CAN
v.)
GRAY TELEVISION GROUP, INC., et al)
Defendants.)

PLAINTIFF'S RESPONSE FOR WRITTEN STATUS REPORT

A. INTRODUCTION

Plaintiff is Larry G. Philpot; Defendant is Gray Television Group, Inc.

Plaintiff sued Defendant for Copyright Infringement in the Southern District of Indiana.

Defendant filed a motion to transfer the suit to Western District of Louisiana.

The parties did not agree to a valid and enforceable forum-selection clause.

Plaintiff asks the Court to deny Defendant's motion to transfer venue to Louisiana, and instead transfer this case to the Northern District of Indiana.

B. FACTUAL AND LEGAL ISSUES

1. Plaintiff Philpot Complains that one of GRAY's Television Stations in Alexandria, Louisiana used his registered, copyrighted photograph in advertising to promote a concert. Plaintiff has screenshots, and believes there are no factual issues. Plaintiff contends that the Defendant has removed Philpot's DMCA identifying information in order that Philpot would be hindered in finding Plaintiff Philpot's image on the internet. Philpot believes there is no

fair use exception. GRAY has a long history of EEOC lawsuits in several states and has not engaged in settlement discussions. There has been no 26(f) conference, and Plaintiff Philpot is told that no discovery can be conducted until this meeting occurs.

2. All parties have been served, and no parties have been dismissed.

3. No discovery whatsoever has taken place, and given that there are at least two separate law firms and five attorneys defending this lawsuit against a pro se Plaintiff, Plaintiff expects a kitchen sink defense and is unable to estimate a time on Discovery issues, and is unfamiliar with limitations. Jurisdiction has finally been settled.

4. Philpot will leave to the Court's discretion time limits for amendments.

5. Philpot, as a Pro Se Plaintiff, does not believe there are motions pending, and does not believe there are briefings due. Plaintiff intends to Move this honorable Court for Summary Judgment, and to move the case to Lafayette, IN, which is more convenient for Plaintiff, because Plaintiff's choice of forum is a long standing practice.

6. Plaintiff will leave to the Court's discretion to set a deadline for dispositive motions.

7. Defendant's massive legal team have not stipulated to anything, not responded to the CMS, objected to the Magistrate's recommendation, mischaracterized Plaintiff Philpot as a copyright troll and professional litigant in multiple documents for defending the copyrights of his own work, and Plaintiff asks that a pre-discovery settlement conference be held, via telephone if possible.

8. No discussion has been held regarding litigating under the Court's consent procedure, but due to the 3 hours of travel time, one way to appear for Court hearings, Plaintiff will agree to litigating this matter under the Court's consent procedure, executed and attached.

Dated: May 13, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2015, a copy of the foregoing Complaint was filed, and a copy of same was emailed addressed to the following:

Michael P. O'Neil

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